

9
758

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 26TH DAY OF MAY 1998

P R E S E N T
THE HON'BLE MR. R.P.SETHI, CHIEF JUSTICE
A N D

THE HON'BLE MR. JUSTICE M.B. VISHWANATH
WRIT PETITION NO.41479/1993

C/w

WRIT PETITION NO.17740/1994

A N D

WRIT PETITION NOS.16468-472/1995

IN W.P.No.41479/1993:

BETWEEN:

1. Gokul Education Foundation (Medical), by its Managing Trustee, Sri M.R.Jayaram, Bangalore.
2. M.S.Ramaiah Medical College, by its Principal - Dr.C.Shivaram, Gokul, Bangalore - 54. ... Petitioners.

(By Sri Veerabhadrappa for Petrs.)

AND:

1. The State of Karnataka, by its Secretary to Dept.

of Health & Family Welfare,
M.S.Building, Bangalore.

- 759
2. Bangalore University,
by its Registrar, Jnana
Bharathi, Bangalore.
 3. Controller of Examination,
Bangalore University, Jnana
Bharathi, Bangalore.
 4. The Medical Council of India,
by its Secretary, Kotla Road,
Temple Lane, New Delhi.
 5. Union of India,
by its Secretary to Dept. of
Health & Family Welfare,
Vidhana Soudha, Bangalore. ... Respondents.

(By Sri N.K.Patil for R-2 & R-3 in all the petitions,
Sri A.V.S.Reddy, AGA, for R-1, 4 & 5 in all the
petitions.)

This Writ Petition filed under Articles 226
& 227 of the Constitution of India with an affi-
davit praying to: Direct the respondents to
announce the results of Malyasian students listed
in Annexure - H and etc.

IN W.P.No.17740/94:

BETWEEN:

1. Gokul Education Foundation
(Medical) by its Managing
Trustee - Sri M.R.Jayaram,
Bangalore.

2. M.S.Ramaiah Medical College,
by its Principal - Dr.C.Shivaram,
Gokul, Bangalore. Petitioners.

AND:

1. The State of Karnataka,
by its Secretary to Dept.
of Health & Family Welfare,
M.S.Building, Bangalore.

2. Bangalore University,
by its Registrar, Jnana
Bharathi, Bangalore.

3. Controller of Examination,
Bangalore University, Jnana
Bharathi, Bangalore.

4. The Union of India,
by its Secretary to Dept. of
Ministry of Health & Family
Welfare, Nirman Bhavan,
New Delhi.

5. Medical Council of India,
by its Secretary, Temple
Street, Kotle Road,
New Delhi. Respondents.

(R-4 & R-5 amended as per court order dt.21.7.94.)

This Writ Petition filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Quash the intake fixed by the Govt. in respect of 2nd petitioner institution as 118 as per the order dt.14.10.93 marked by

Annexure 'H' and etc.

76/

IN W.P.Nos.16468-472/95:

BETWEEN:

1. Miss Sheetal Chopra,
Reg. No.94.MC.133,
D/o Sri Sathis Chopra,
Age 20 years, Room No.4,
N.R.I. Block, M.S.R. Student
Home, Bangalore - 54.
2. Miss Poonam D. Balani,
Reg. No.94 MC 104,
D/o Mr.Dev Kishan,
Age 20 years, No.374,
12th Cross, 5th Main,
RMV Extension, Bamgalore - 94.
3. Mr.David N. Christian,
Reg.No.94 MC 128
S/o M. Nelson Christian,
Age: 23 years, No.276,
13th Cross, 5th Main,
RMV Extension, Bangalore - 94.
4. Miss. Bhawani, Reg.No.94 MC 126,
D/o R.Tangarathnam,
40, Aswani, 4th Cross,
Judges Colony, RMV Extension,
Bangalore - 94.
5. Mr.Hairulfaiza,
Reg.No.94 MC 119,
S/o Haron, 271, 13th Cross,
Age: 21 years, 5th Main,
RMV Extension, Bangalore - 94... Petitioners
Respectively.
(By Mahesh R. Uppin for Petrs.) ... 5/-

AND:

1. The Bangalore University,
by its Registrar, Jhana
Bharathi, Bangalore.
2. The Registrar (Evaluation),
Bangalore University, Central
College Complex, Bangalore.
3. The State of Karnataka,
by its Secretary, Dept.
of Education, M.S. Building,
Bangalore.
4. Sri M.S.Ramaiah Medical College,
B.E.L. Road, Bangalore, by its
Chairman - Sri M.R.Jayaram. ... Respondents.

(By Sri N.K.Patil for R-1 & R-2,
Sri A.V.S. Reddy, AGA, for R-3,
Sri B.Veerabhadrapappa for R-4.)

These Writ Petitions filed under Articles 226 & 227 of the Constitution of India with an affidavit praying to: Quash the notification dt.8-5-95 and the notification dt.8-5-95 vide Ann.A and B, and etc.

These Writ Petitions coming on for hearing this day, the CHIEF JUSTICE made the following:

O R D E R

bgr(c.t.)

r.by: }

c.by: }
 } 1/2

63/6/98
CJ & MBVJ
26-5-1998

Writ Petitions Nos. 41479/1993, 17740/1994,
and 16468 to 16472/95.

O R D E R

CHIEF JUSTICE:

We have heard learned counsel appearing for the parties and perused the records.

2. The pleas raised in these writ petitions and the prayers made are identical as were allowed and issued in various other writ petitions and appeals, already disposed of by this court.

3. It is stated/^{at} the Bar that these writ petitions may also be disposed of in terms of the earlier orders passed.

4. Learned Counsel appearing for the parties have specifically referred to the Judgment of this Court in STATE OF KARNATAKA Vs CITIZEN OF INDIA (I.L.R. 1997 KARNATAKA 2934) and Writ Appeals Nos. 793-803/1996 decided on 1st June 1996^{and} Writ Petitions Nos. 22217/96 and connected matters, decided on 31-7-1997.

5. Keeping in view of the facts and circumstances of the case the earlier judgment

762

of this court and the statements made at the Bar, these writ petitions are also disposed of with the following observations and directions:

- i) That the petitioners-institutions and their students are given liberty to file representations for regularisation of their admissions within a period of two weeks from today.
- ii) If such representations are filed before the appropriate authority within two weeks, the same shall be examined and considered by the Medical Council of India who shall make appropriate recommendation to the Central Govt. within a period of four weeks from the date of such representation, keeping inview of the earlier Judgment referred to herein above.
- iii) On receipt of the recommendation of the Medical Council, if made, the Central Govt. shall consider the cases of the concerned students on merits within a further period of four weeks.

265

- iv) Until the disposal of the prayer by way of applications/representations filed within the time fixed herein-above, such of the students who are already pursuing their studies shall be allowed to continue their studies.
- v) The benefit of these directions shall not be available to the institutions or students who do not file applications/representations within a period of two weeks from today.
- vi) This order would not in any way confer any additional rights upon the petitioners and they shall not be entitled to any further benefits on the ground of equity alone.
- vii) No costs.

Sd/-
Chief Justice

Sd/-
JUDGE



OVP*